

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SANDOZ INC.,

No. C-13-2904 MMC

Plaintiff,

v.

AMGEN INC., et al.,

Defendants.

**ORDER AFFORDING PLAINTIFF LEAVE
TO FILE SUPPLEMENTAL
DECLARATION IN SUPPORT OF
DEFENDANTS' ADMINISTRATIVE
MOTION TO FILE DOCUMENTS UNDER
SEAL**

Before the Court is defendants' "Corrected Administrative Motion to File Under Seal," filed September 25, 2013, and the Declaration of Brian Hirsch, filed by plaintiff in response. Having read and considered the above-referenced filings, the Court rules as follows.

In their administrative motion, defendants seek leave to file under seal certain material designated by plaintiff as confidential. In its responsive declaration, plaintiff has shown that ¶¶ 2(A) - 2(BB) of the Declaration of Vernon M. Winters, and Exhibit 1 attached to said declaration, contain confidential material properly filed under seal. Plaintiff has not shown, or even contended, however, that the entirety of those documents consists of confidential material, and, indeed, it would appear that it does not. (See, e.g., Winters Decl. ¶ 2(J) (asserting "[o]nly the FDA can determine whether a product is a biosimilar").)

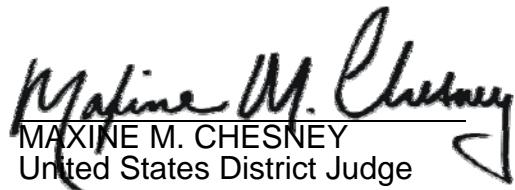
A request to file a document under seal "must be narrowly tailored to seek sealing

1 only of sealable material." See Civil L.R. 79-5(b); see, e.g., Apple Inc. v. Samsung
2 Electronic Co., 727 F.3d 1214, 1223, 1223-26 (Fed. Cir. 2013) (holding parties were
3 entitled to file specified portions of documents under seal; noting parties did "not seek to
4 seal [the] documents in their entirety," but, rather, only sought to redact "limited portions of
5 the documents containing detailed product-specific financial information, including costs,
6 sales, profits, and profit margins").

7 Accordingly, the Court will afford plaintiff leave to file, no later than November 5,
8 2013, a supplemental declaration for the purpose of specifying the particular sealable
9 portions of ¶¶ 2(A) - 2(BB) of the Declaration of Vernon M. Winters and Exhibit 1 thereto.

10 **IT IS SO ORDERED.**

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12 Dated: October 30, 2013


MAXINE M. CHESNEY
United States District Judge

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